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IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 2053 of 1993

For Approval and Signature:

Hon'ble MR.JUSTICE KUNDAN SINGH

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

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BHAGVATIPRASAD D PANDYA

Versus

GUJARAT UNIVERSITY

Appearance:

MR BP TANNA for Petitioner No. 1.
MR MITUL K SHELAT for Respondent No. 1.
MR KM PARIKH for Respondent No. 2 and 3.

CORAM : MR.JUSTICE KUNDAN SINGH

Date of decision: 06/08/2001

ORAL JUDGEMENT

This petition has been filed for a declaration that deduction of Rs.37,000/- from gratuity amount payable to the petitioner is illegal and erroneous and also for a direction to the respondent authority to pay the amount of Rs.37,000/- with interest @ 15% p.m. on

that amount from which it become due and payable to the petitioner, till the actual payment is made to the petitioner.

2. Retirement date of the petitioner was 18-11-1986 and that date of retirement was extended to 14-6-1987 and due to that extension, the amount of gratuity could not be sanctioned and the amount of Rs.37,000/- was directed to be withheld. The petitioner actually retired on 14-6-1987 on expiration of the academic year. Sanction was not given by the appropriate authority regarding actual date of retirement of the petitioner and that amount was withheld pursuant to the order of this Court on 8-7-1993. Payment of amount of Rs.37000/- as gratuity which was held has already been paid on 31-7-1993 as informed by the learned A.G.P. on the basis of the letter dated 3-9-1993. Due to some dispute that amount was withheld and subsequently has been paid to the petitioner. Under these circumstances, the petition has become infructuous.

3. Accordingly, this petition is dismissed as having become infructuous. Rule is discharged, with no order as to costs. Interim relief granted earlier stands vacated.

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/JVSatwara/